

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

PHILLIP PETRONE, et al.,)	
)	
Plaintiffs,)	8:11CV401
)	
v.)	
)	
WERNER ENTERPRISES, INC., and)	
DRIVERS MANAGEMENT, LLC,)	
)	
Defendants.)	
)	
<hr/> PHILLIP PETRONE, et al.,)	
)	
Plaintiffs,)	8:12CV307
)	
v.)	
)	
WERNER ENTERPRISES, INC., and)	ORDER
DRIVERS MANAGEMENT, LLC,)	
)	
Defendants.)	
<hr/>)	

This matter is before the Court on the motion of plaintiffs to strike confidentiality designations and unseal certain materials so designated by defendants pursuant to the parties' stipulated protective order (Filing Nos. 57 and 153). As the parties' briefs indicate no real controversy, the Court finds the plaintiffs' motion should be granted as to the deposition transcripts, the parties' briefs regarding class certification, plaintiffs' Index of Evidence accompanying their class certification reply brief, and the Index of Evidence and Exhibits filed by plaintiffs in relation to the present motion.

Defendants' Index of Evidence accompanying their Brief in Opposition to Class Certification contains personal confidential information that should remain protected.

Defendants only included the personal confidential information in the Index with the understanding that the Index would have to be filed under seal anyway because it included the transcripts which had been labeled confidential. Defendants, having relied on the prior position of plaintiffs' counsel that the transcripts should be labeled confidential, have not acted inappropriately and therefore should not be saddled with the burden of redacting the Index. Accordingly,

IT IS ORDERED:

1) The "CONFIDENTIALITY" designations by Defendants of the four deposition transcripts consisting of the 30(b)(6) Corporate Designee witnesses, Jamie Maus, Jim Mullen, Steven Tisinger, and Mary Kay Howe are hereby stricken.

2) Defendants' Brief in Opposition to Class Certification (8:12CV307 Filing No. 40 & 8:11CV401 Filing No. 133) and Plaintiffs' Reply Brief and Index of Evidence in Support of their Motion to Certify Class (8:12CV307 Filing Nos. 45-46, 49) are hereby unsealed.

3) The Index of Evidence and Exhibits attached to Plaintiffs' Motion to Strike "CONFIDENTIALITY" Designations by

Defendants are hereby unsealed (8:12CV307 Filing No. 60 & 8:11CV401 Filing No. 156).

4) Plaintiffs' motion to unseal defendants' Index of Evidence accompanying defendants' Brief in Opposition to Class Certification is denied.

DATED this 16th day of September, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court